HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

WRIT PETITION No.28906 OF 1998

Between:

K. Nirmala Swamy

… Petitioner

AND

Union of India,
Rep., by its Secretary,
Ministry of Defence,
New Delhi and two others

… Respondents

:: O R D E R ::

Counsel for the petitioner : Shri K.V. Subba Reddy

Counsel for the respondents : Shri M. Ratna Reddy,
Central Government
Standing Counsel

June 13, 2007

In this petition, the petitioner has made the following substantive prayer:

> "it is prayed that this Honourable Court may be pleased to issue a writ or order or direction more particularly in the nature of writ of mandamus declaring the action of the respondents in not sanctioning the Special Family Pension, Children Allowances and Damages is illegal, arbitrary and Unconstitutional

> consequently direct the respondents to sanction the Special family pension, children allowances and award compensation with interest with effect from 30-07-1989…"

At the hearing, learned counsel for the petitioner submitted that in view of the contents of affidavit dated 4-6-2007 filed by Lt. Colonel Brijender Singh, Director, Legal Cell, Personnel Services of Army Headquarters, New Delhi, his client may be permitted to withdraw the writ petition with liberty to file fresh representation to the competent authority for sanction of special family pension, children allowance etc.

Learned counsel for the respondents graciously says that if any representation is made by the petitioner along with supporting evidence, then the same will be dealt with and disposed of by the competent authority within a period of three months from the date of receipt of the same.

In view of the statements made by the learned counsel, the writ petition is dismissed as withdrawn with liberty to the petitioner to make representation for grant of special family pension etc. If any such representation is made by the petitioner along with substantive evidence to establish her claim, then the competent authority shall decide the same within a period of three months and communicate the decision to the petitioner by registered post.

G.S.SINGHVI, CJ

June 13, 2007

ks